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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,838	09/07/2004	Thomas Vollmer	DE 020062	8930

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BRIARCLIFF MANOR, NY 10510

EXAMINER

FAN, HUA

ART UNIT	PAPER NUMBER
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4134

MAIL DATE	DELIVERY MODE
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02/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/506,838	Applicant(s) VOLLMER ET AL.	
	Examiner HUA FAN	Art Unit 4134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/7/2004; 5/16/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: specification should not mention claims (page2, lines 1-3). Appropriate correction is required.

Claim Objections

1. Claims 4-6, 8-10 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim *should refer to other claims in the alternative only, and cannot depend from any other multiple dependent claims*. See MPEP § 608.01(n). Accordingly, the claims 4-6, 8-10 have not been further treated on the merits.
2. Claim 2 objected to because of the following informalities: it is not clear what "the latter" refers to. Appropriate correction is required.
3. Claim 7 objected to because of the following informalities: line 3, "in that it is designed to be able to perform": it is not clear what "it" refers to; line 4, "when these are switched off": it is not clear what "these" refers to. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 4-8 rejected under 35 U.S.C. 102(e) as being anticipated by US patent 6353765 to Shinotsuka.

As to claim 1, Shinotsuka discloses a method for management of availability of functions (col. 2, lines 54-65) in a network of electronic devices (abstract; figure 1-4; col. 5, lines 1-5) by a server connected to the network, characterized in that functions of the devices are performed by the server when the devices are switched off (col. 7, lines 14-43).

As to claim 2, Shinotsuka discloses a method as claimed in claim 1, characterized in that before shutting down a device transmits a command and where applicable data to the server whereupon the latter takes over certain standby functions of the device (figure 5: delegation request message).

As to claim 4, this claim was objected to due to multiple dependencies. For the sake of examination, examiner assumes this claim depends on claim 1. Shinotsuka discloses a method as claimed in claim 1, characterized in that the server automatically detects and monitors the connection of networks and/or active devices (col. 28, lines 57-col. 29, line 6).

As to claim 5, this claim was objected to due to multiple dependencies. For the sake of examination, examiner assumes this claim depends on claim 1. Shinotsuka discloses a method as claimed in claims 1, characterized in that the server informs a device newly connected to the network that it is present and which functions it can perform (col. 28, lines 57 - col. 29, line 6; figure 9-10, 20, 23).

As to claim 6, this claim was objected to due to multiple dependencies. For the sake of examination, examiner assumes this claim depends on claim 1. Shinotsuka discloses a method as

claimed in claim 1, characterized in that the devices are televisions, video recorders, set-top boxes, computers and/or domestic appliances (col. 5, lines 6-7; figure 1).

As to claim 7, Shinotsuka discloses a server for management of availability of functions in a network of electronic devices, containing a central processor (col. 7, line 22), a memory (figure 1, 2H, 2G, 3H, 3G) and at least one network interface (figure 1, 3I), characterized in that it is designed to be able to perform standby functions of the devices when these are switched off (col. 7, lines 14-43).

As to claim 8, this claim was objected to due to multiple dependencies. For the sake of examination, examiner assumes this claim depends on any one of the claims 1 to 6. Shinotsuka discloses a server, characterized in that it is designed to perform a method as claimed in any one of claims 1 to 6 (see similar rejections to claims 1-6).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6353765 to Shinotsuka, in view of US patent 5729595 to Kugell et al.

As to claim 3, Shinotsuka does not expressly disclose server transmits with time delay data to and/or from a disconnected device. Kugell et al. discloses a method as claimed in claim 1

or 2, characterized in that the server transmits with time delay data to and/or from a disconnected device (col. 5, lines 15-26).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to combine the method disclosed by Shinotsuka with the method disclosed by Kugell et al. regarding server transmits with time delay data to and/or from a disconnected device. The suggestion/motivation of the combination would have been to provide methods of delivering inbound fax service even when the fax machine is busy (Kugell et al, col. 2, lines 52-55).

8. Claims 9 rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6353765 to Shinotsuka, in view of US patent 4642607 to Strom et al.

As to claim 9, this claim was objected to due to multiple dependencies. For the sake of examination, examiner assumes this claim depends on claim 7. Shinotsuka does not expressly disclose an interface for data transmission in a power supply network and is designed to receive data from the power supply network and after any processing retransmit these on at least one phase line of the power supply network. Strom et al. discloses an interface for data transmission in a power supply network and is designed to receive data from the power supply network and after any processing retransmit these on at least one phase line of the power supply network (col. 2, lines 14-42).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to combine the method disclosed by Shinotsuka with the method disclosed by Strom et al. regarding transmitting data using power lines. The suggestion/motivation of the combination would have been to utilize pre-existing AC power lines in the communication link to enable the retrofitting of the existing buildings (Strom et al., col. 1, lines 20-27).

9. Claims 10 rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6353765 to Shinotsuka, in view of US patent 6700954 to Pflaum.

As to claim 10, this claim was objected to due to multiple dependencies. For the sake of examination, examiner assumes this claim depends on claim 7. Shinotsuka does not expressly disclose different transmitter and receiver modules. Pflaum discloses the server contains inputs/outputs for connection of different transmitter and receiver modules, where the transmitter and receiver modules can communicate with devices of network and the server can transmit data between the transmitter and receiver modules (figure 1).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to combine the method disclosed by Shinotsuka with the method disclosed by Pflaum regarding servers having different transmitter and receiver modules. The suggestion/motivation of the combination would have been to provide a telephone with integrated answering machine with which fax messages can be reliably received without great technical outlay (Pflaum, col. 2, lines 35-38).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUA FAN whose telephone number is (571)270-5311. The examiner can normally be reached on M-F 7:30am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick Ferris can be reached on (571) 272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. F./
Examiner, Art Unit 4134

/Derrick W Ferris/
Supervisory Patent Examiner, Art Unit 4134